

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ernesto Shaw	Team: Team # 3	CCRB Case #: 200100254	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/15/2001 10:26 AM	Location of Incident: § 87(2)(b)	Precinct: 102	18 Mo. SOL 7/15/2002	EO SOL 7/15/2002	
Date/Time CV Reported Mon, 01/15/2001 11:21 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 01/15/2001 11:21 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Gary Messina	00000	874530	102 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Saverio Cuda	28094	903716	102 PCT
2. POM Michael Benson	19031	905777	102 PCT
3. POM Michael Popolizio	17158	902912	102 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Gary Messina	Abuse: Lt. Gary Messina threatened to arrest § 87(2)(b)	§ 87(2)(b)

Synopsis

This complaint was called into the call processing system on January 15, 2001. The complainant, § 87(2)(b) alleged that on January 15, 2001 at approximately 10:26 AM, she had a landlord tenant dispute with her tenant § 87(2)(b) at her residence located at § 87(2)(b), Ozone Park in Queens NY. A 911 call was placed concerning this dispute and the subject officer, Lieutenant Gary Messina, Tax # 874530, responded to the location. According to § 87(2)(b) she began discussing the incident with Lieutenant Messina and he told her that she should cease speaking to her tenant and go back into her apartment. Lieutenant Messina then allegedly told § 87(2)(b) that if she called 911 again concerning this matter, she would be arrested.

§ 87(2)(b) was interviewed at the CCRB on February 1, 2001, at which time she named four witnesses. Three of the witnesses, § 87(2)(b) and § 87(2)(b) were interviewed on April 20, 2001 at § 87(2)(b), Queens NY.

§ 87(2)(b), § 87(2)(g)

Police documents including communications records and a roll call confirmed that the Lieutenant Gary Messina, Tax # 874530, CMD # § 87(2)(b) did respond to the location on January 15, 2001. Lieutenant Messina was interviewed at the CCRB on July 24, 2001. The officer denied threatening to arrest § 87(2)(b)

After the officer was interviewed, attempts were made to contact § 87(2)(b) to obtain contact information for the fourth witness mentioned by her during her CCRB interview. On January 15, 2002, the complainant, § 87(2)(b) was contacted by telephone. During this conversation § 87(2)(b) explained that she had sued her tenant in civil court and was no longer interested in her complaint against the officer. § 87(2)(b) stated that the case was heard in Queens Civil Court during the month of August 2001, when she was granted a judgement of \$800.00. § 87(2)(b) stated that she was satisfied with Court's decision as a resolution to the entire incident. According to § 87(2)(b) she no longer desires to continue with the process of the CCRB investigation and requested a withdrawal of her complaint. She stated that her desire to withdraw the complaint was of her own free will without any threats or coercion.

The conversation was recorded on tape #200100254, side A, volume # 6. Team manager Richard Osmer verified the withdrawal on the tape. § 87(2)(b) agreed to sign and return a withdrawal statement. The withdrawal letter sent to § 87(2)(b)'s residence to be signed and returned to the CCRB. § 87(2)(b), § 87(2)(g)

Investigator: Ernesto D. Shaw

Date: February 6, 2002

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: